

To: Giles-AA, Cynthia[Giles-AA.Cynthia@epa.gov]
Cc: Theis, Joseph[Theis.Joseph@epa.gov]; Denton, Loren[Denton.Loren@epa.gov]
From: Shinkman, Susan
Sent: Fri 8/2/2013
Subject:Fw: Need for AA Level Recommendation on Seeking Supreme Court Review of 8th Circuit Decision Vacating Congressional Letters Addressing Mixing Zones and Blending - Iowa League of Cities v. EPA
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Cynthia,
We will brief you about this at our next OCE General on Thursday, August 8.
Susan

From: Neugeboren, Steven
Sent: Friday, August 02, 2013 2:15:09 PM
To: Giles-AA, Cynthia; Stoner, Nancy

Cc: Starfield, Lawrence; Kopocis, Ken; Gilinsky, Ellen; Shinkman, Susan; Chester, Steven; Pollins, Mark; Theis, Joseph; Vinch, James; Morrissey, Alan; Denton, Loren; Sawyers, Andrew; Frace, Sheila; Nagle, Deborah; Bosma, Connie; Weiss, Kevin; Witt, Richard; Levine, MaryEllen; Hall, Jessica; Southerland, Elizabeth; Wood, Robert; Matuszko, Jan; Schroer, Lee

Subject: Need for AA Level Recommendation on Seeking Supreme Court Review of 8th Circuit Decision Vacating Congressional Letters Addressing Mixing Zones and Blending - Iowa League of Cities v. EPA

Nancy and Cynthia – As you know, in March the 8th Circuit Court of Appeals issued a decision finding letters by the agency to Congress answering questions about the regulatory requirements applicable to mixing zones and blending constituted final agency action subject to judicial review and held that the position of the Agency in the letter regarding blending was inconsistent with the statute.

This week, rehearing petitions in the case were disposed of, and we now must decide whether to recommend to the Department of Justice whether to seek Supreme Court review. Our Recommendation to DOJ is due August 20th. We will work with your schedulers to set up a joint briefing for you early in the week of August 12th.

[REDACTED]

Below is a summary of the decision, which is attached.

If you or your staff have any questions, you can call me at 564-5488 or Richard Witt at 564-5496

Summary of the Decision

The Court's decision

[illegible]

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